



<b>PETITION NUMBER:</b>	0806-DP-07
<b>SUBJECT SITE ADDRESS:</b>	19200 North Horton Road
<b>PETITIONER:</b>	North Communities Church
<b>REQUEST:</b>	Development Plan Review and Site Plan Review of a new religious institution, approximately sixteen (16.10) acres.
<b>CURRENT ZONING:</b>	AG-SF-1
<b>CURRENT LAND USE:</b>	Agriculture
<b>APPROXIMATE ACREAGE:</b>	16.1
<b>ASSOCIATED PETITIONS:</b>	0806-SIT-06
<b>EXHIBITS:</b>	1. Staff Report, 06/16/08 2. Technical Advisory Committee Letters, 06/16/08 3. Petitioner's Exhibits, 06/11/08
<b>STAFF REVIEWER:</b>	Al Salzman

### **PETITION HISTORY**

- The June 16, 2008 Advisory Plan Commission Meeting represents the first public hearing for the proposed North Communities Church.
- This item previously appeared before the APC at the June 2, 2008 Workshop Meeting.

### **PROCEDURAL**

- Notification of the June 16, 2008 public hearing was provided to abutting property owners in accordance with the Rules of Procedure on June 6, 2008.
- Notice of the June 16, 2008 public hearing was posted to the City web site and at City Hall, and published in newspapers of general circulation in accordance with the Rules of Procedure.
- Development Plan Review requires a Public Hearing.
- Approval of a Development Plan Review must be granted if the submitted plans demonstrate compliance with the terms of the underlying zoning district or applicable PUD, any Variances associated with the site, and any Commitments associated with the site.
- The Advisory Plan Commission may approve, conditionally approve, continue, or deny the requested approval. Any conditions must be determined through agreement of the APC and the petitioner. Any continuance should also be determined through agreement of the APC and the petitioner.
- Any denial must be justified in writing on the accompanying Finding of Fact sheet.

### **DEVELOPMENT REQUIREMENTS**

### **GENERAL**

#### **1. Zoning District Standards**

The report provided for the June 2, 2009 Workshop identified a single deficiency related to the



terms of the AG-SF-1 zoning district. Staff was unable to verify that the proposed structure would comply with the maximum building height of thirty-five (35) feet within this district. Amended elevations with building dimensions have been submitted for the petition file, and the dimensions indicate that the proposed structure would comply with the maximum 35' building height.

Compliance with all other standards of the AG-SF-1 District has been verified.

## 2. Overlay District Standards

The subject site is not located in any overlay zone.

## 3. Subdivision Control Ordinance

The report provided for the June 2, 2009 Workshop indicated that staff was unable to verify if the division of the parent parcel into two parcels would result in the creation of compliant remainder parcels. The June 2, 2008 Workshop report details this situation. The petitioner has indicated a willingness to provide legal descriptions or plot plans for the two remainder parcels that would be created by the proposed division of the subject site prior to the issuance of an Improvement Location Permit (ILP) for the proposed institution.

Development Plan Review protocol typically mandates that all aspects of a site be in compliance with all standards and requirements before proceeding to the Advisory Plan Commission for Public Hearing. The Director has authorized this departure from normal protocol because demonstrating compliance with this provision of the Subdivision Control Ordinance can not occur until the land transaction occurs between the seller and institution, but the land transaction between the seller and institution will not occur until Development Plan Review is approved – effectively creating a “Catch-22.” To ensure compliance with the terms of the Subdivision Control Ordinance, any approval of the proposed Development Plan should be conditioned on the provision of compliant recorded legal descriptions for both remainder parcels before the issuance of an ILP for the proposed institution.

## 4. Development Plan Ordinance

The report provided for the June 2, 2009 Workshop indicated that two (2) waivers would be necessary – a waiver of Building Materials for siding, and a waiver of Site Access and Circulation for multi-use path within the right-of-way.

Upon review of the Development Plan Review ordinance language and the material proposed, it is the determination of the Director that no waiver for Building Materials is necessary.

The waiver of Site Access and Circulation would allow the development of the subject site without the installation of the required eight- (8-)foot asphalt path within the right-of-way of Horton Road. As no abutting path network exists to connect the subject site to, and as any future development of the surrounding areas that would extend paths to the subject site is not anticipated in the immediate future, staff recommends approval of the requested waiver.



Approval of the requested waiver should be conditioned on the institution installing the required path within the right-of-way in the event pathways are extended to the perimeter of the subject site by any future development.

The proposal is compliant with all other requirements of the Development Plan Review ordinance.

#### 5. Comprehensive Plan Compliance

See Public Policies section below.

#### 6. Street and Highway Access

Horton Road remains under the jurisdiction of the Hamilton County Highway Department. The HC Highway Department has preliminarily indicated that access to Horton Road in the proposed location would be acceptable.

#### 7. Street and Highway Capacity

Horton Road remains under the jurisdiction of the Hamilton County Highway Department. The HC Highway Department has preliminarily indicated that Horton Road would have the capacity to serve the proposed development.

#### 8. Utility Capacity

The subject site is not served by public water or sewer facilities. A private well and septic field are proposed to serve the subject site. These facilities would fall under the jurisdiction of the Hamilton County Health Department. The Hamilton County Health Department has preliminarily indicated that the proposed well and septic service of the subject site would be acceptable.

The report provided for the June 2, 2008 Workshop indicated that the Hamilton County Surveyor's Office had preliminarily indicated that the proposed storm water management ponds would be adequate, and that further information was requested regarding the proposed outlet and release areas. The Surveyor's Office has provided an e-mail indicating that they will allow the project to proceed with public hearing at this time, and stated that the petitioner will be required to seek any further approvals prior to the issuance of an ILP for the proposed institution.

#### 9. Traffic Circulation Compatibility

The report provided for the June 2, 2008 Workshop indicated that WFD had requested modifications to the parking arrangement to ensure emergency access to all areas of the proposed structure. An amended site plan, submitted on June 10, 2008, addressed the emergency access issue to the satisfaction of WFD.



## **DEVELOPMENT REQUIREMENTS**

### **a. Site Access and Circulation**

1. See comments above.

### **b. Landscaping – WC 16.06 et al:**

### **c. Lighting – WC 16.07 et al:**

### **d. Signs- WC 16.08 et al:**

### **e. Building Orientation**

1. Loading spaces or loading docks
2. Loading Spaces (II)

### **f. Building Orientation & Materials:**

## **FOR EACH DISTRICT**

Compliant

Compliant

None proposed

None Proposed

None Proposed

Compliant

## **PUBLIC POLICIES**

### **Comprehensive Plan-Feb 2007**

See “Finding of Fact” section below.

### **Thoroughfare Plan-Feb 2007**

Horton Road is identified as a “Collector,” and a 100-foot full right-of-way (50’ half) is recommended. The submitted site plan reflects a 50’ half right-of-way where Horton Road abuts the subject site.

### **Parks & Recreation Master Plan-Dec 2007**

The Parks & Recreation Master Plan makes no recommendation for the subject site.

### **Water & Sewer System**

Public water and sewer facilities are not available at the subject site. Extension of public water and sewer facilities to the subject site would be dependent upon private development in the immediate future. No plans to extend public services to the site are in place at this time.

### **Annexation**

The subject site does not abut the corporate limits of the City of Westfield, and cannot be annexed at this time.

## **FINDINGS OF FACT**

1) The proposed development is consistent with the intent and purpose of the Westfield-Washington Township Comprehensive Plan,

**Staff finding:** The Land Use Concept Map of the Amended Westfield-Washington Township 2020 Plan identifies the subject site as located in an “Existing Suburban” area (pg. 38). It further identifies institutional uses as appropriate land uses in the Existing Suburban area (pg. 38).



2) The proposed development satisfies the development requirements specified in this ordinance.

**Staff finding:** Pending compliance with the conditions authorized by the WCD Director, this site will satisfy the development requirements specified in this ordinance.

### **PLAN DOCUMENTATION AND SUPPORTING INFORMATION**

<u>Plan Documentation</u>	<u>Original</u>	<u>Resubmit</u>	<u>Compliant?</u>
A) Site Plan	05/05/08		Y
B) Overall Plan	05/05/08		Y
C) Landscape Plan	05/05/08		Y
D) Building Elevations	Not submitted	06/10/08	Y
E) Lighting Plan	05/05/08		Y
F) Site Access and Circulation Plan	05/05/08	06/10/08	Y
G) Traffic Impact Study	N/A		N/A
H) Statement of Development Build-out	05/05/08		Y
I) Green Space Provisions	N/A		N/A

### **RECOMMENDATIONS**

Approve 0806-DP-07, with the following conditions:

1. Compliant recorded legal descriptions for both remainder parcels shall be provided to WCD before the issuance of an ILP for the proposed institution;
2. The required path be installed within the right-of-way in the event pathways are extended to the perimeter of the subject site by any future development.
3. That all necessary approvals and permits be obtained from the Hamilton County Surveyor's Office prior to the issuance of an ILP for the proposed institution.

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**AFS**